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Remarks

This response is submitted with a request for continued examination.

Status of Claims:

Claims 10-20 and 22-26 stand rejected. Claims 10, 14, and 15 are amended. Claims 10-20 and 22-26 remain pending.

Support for the amendments is found in the specification and drawings as originally filed, including a description of the handle maximum width dimension positioned intermediate proximal and distal ends, as set forth at lines 12-19 of page 6, and as shown in the drawings, and that the actuator lever can be pivotably supported adjacent the distal end of the handle associated with the flexible member, as set forth at lines 31-33 of 6 and as shown in Figure 8.

No new matter is added.

§102 Rejections

Claims 10-11, 14-16, and 22-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Zirps et al. (U.S. 2004/0220449). It is respectfully urged that this rejection is improper for all the reasons set forth in the prior response submitted by applicant, and for the additional reasons set forth below.

Claim 10, as amended recites, among other things,

an outer surface of the handle is sized and shaped to be gripped by a single hand and wherein the actuator is disposed on the handle to be operated by the same hand holding the handle without the use of the thumb or index finger of the same hand, while the thumb and index finger of the same hand are free to grip and advance the flexible member.

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While the Applicant respectfully disagrees with the Examiner's position regarding the use of "adapted" and "for" as not being effective in distinguishing over Zirps et al, Claim 10 has been amended to more particularly point out and distinctly claim the subject matter therein.

It is respectfully urged that Zirps et al. does not teach or suggest an actuator disposed on a handle where the actuator is disposed to be operated without the use of the thumb or index finger of the same hand holding the handle, and while the thumb and index finger of the same hand are free to grip and advance a flexible member.

In contrast, and contrary to Claim 10, Zirps et al. teaches that its device's actuator is to be operated by the user's thumb (see, e.g., paragraph [0037] and Figs. 1A-1B of Zirps et al.). Zirps et al. teaches a "thumb lever 120" (paragraph 0037) and Figures 1A and 1B show the users thumb being used to actuate a control. See also Figure 7 of Zirps et al.

In view of the foregoing, Applicant respectfully submits that Zirps et al. fails to anticipate independent claim 10 in accordance with MPEP 2131, and respectfully requests that the rejection be withdrawn.

Regarding Claim 14, as amended, it is respectfully urged that Zirps et al fails to teach the handle has an outer surface with a maximum width dimension disposed intermediate the proximal and distal ends of the handle. See for instance Figure 1 of Zirps et al. which shows the handle 14 having at least one end wider than the middle portion of the handle.

Regarding Claim 15, as amended, Zirps et al fails to teach the recited pivot location of a lever actuator.

Regarding Claim 16, Zirps et al fails to teach or suggest a system as recited, including an actuator associated with the housing and operable by the hand holding the housing to actuate the end effector, wherein at least the thumb and index finger of the same hand holding the housing are free

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to grip and release the flexible shaft of the device, and including a set of instructions for using the handle with a single hand.

Regarding Claim 22, it is respectfully urged that Zirps et al fails to anticipate the claim at least for the reason that Zirps et al. fails to teach or suggest a medical device having a handle adapted to be gripped by a single hand, an actuator for operating an end effector without the use of the thumb or index finger of the hand, and a release operable by the thumb or index finger of the same hand.

The Examiner states that :

“ Zirps et al. discloses a medical device wherein the release is disposed at a first end of the handle....”

The Examiner not specifically point out what in Zirps et al the Examiner considers to be a release. The Examiner is respectfully requested to specifically explain what element or teaching in Zirps et al. discloses the release recited in Claim 22 so that Applicant has a full and fair opportunity to respond, or withdraw the rejection.

§103 Rejections

The obviousness rejections based on Zirps et al. in view of Ganz et al. (U.S. 5,624,379) or Dhindsa et al. (U.S. 6,786,865) are respectfully traversed for all the reasons set forth in the prior response.

Beyond the foregoing shortcomings with respect to the rejections of the independent claims, Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

To the extent that the present amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections, and all

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amendments made herein are made without prejudice to Applicant filing one or more continuation applications with claims as originally or previously presented.

Conclusion

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully submitted,

/Gerry Gressel/

Gerry Gressel, Reg No. 34,342

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3535